

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Hastings et al.

Docket No.: PF453P2

Application No.: 09/373,658

Confirmation No.: 2817

Filed: August 13, 1999

Art Unit: 1642

For: METH1 Polynucleotides (as amended)

Examiner: K. A. Canella

**THIRD**  
**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant dated October 7, 2005, a copy of which is attached hereto with corrections noted thereon, has the following errors:

1. Under the heading Applicant(s):

“James A. Fronwald” should read -- James A. Fornwald --; and

In support of this request, Applicants attach hereto the executed Declaration of James A. Fornwald which show the correct spelling of his name (Exhibit C).

2. To Correct and clarify the priority claim in the present application, under the heading Domestic Priority data as claimed by applicant, please change the text as follows:

~~This application is a CIP of 09/318,208-05/25/1999 ABN~~

~~which is a CIP of 09/235,810-01/22/1999 ABN~~

~~which claims benefit of 60/098,539-08/28/1998~~

~~and said 09/318,208-05/25/1999~~

~~claims benefit of 60/072,298-01/23/1998~~

~~and is a CIP of 08/845,496-04/24/1997 ABN~~

~~This application 09/373,658~~

This application claims benefit of 60/147,823 08/10/1999

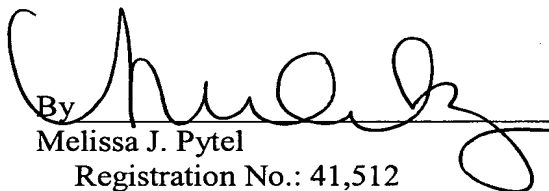
and claims benefit of 60/144,882 07/20/1999  
and is a CIP of 08/845,496 04/24/1997 ABN  
and is a CIP of 09/318,208 05/25/1999 ABN  
which is a CIP of 09/235,810 01/22/1999 ABN  
which claims benefit of 60/098,539 08/28/1998  
and claims benefit of 60/072,298 01/23/1998

A copy of the marked up filing receipt is attached. The Preliminary Amendments filed November 6, 2000 and September 30, 2005 support the requested priority claim.

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Dated: 09.23.2006

Respectfully submitted,

By 

Melissa J. Pytel  
Registration No.: 41,512  
HUMAN GENOME SCIENCES, INC.  
Intellectual Property Dept.  
14200 Shady Grove Road  
Rockville, Maryland 20850  
(301) 610-5764

MJP/EC/pb



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/373,658	08/13/1999	1643	3034	1448.1070006	12	23	9

22195

HUMAN GENOME SCIENCES INC  
INTELLECTUAL PROPERTY DEPT.  
14200 SHADY GROVE ROAD  
ROCKVILLE, MD 20850

OCT 2 0 2005  
MMW MJP  
RECEIVED

CONFIRMATION NO. 2817

CORRECTED FILING RECEIPT



\*OC000000017194910\*

Date Mailed: 10/07/2005

Receipt is acknowledged of a CPA in this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Luisa Iruela-Arispe, Los Angeles, CA;  
Gregg A. Hastings, Westlake Village, CA;  
Steven M. Ruben, Olney, MD;  
Zdenka L. Jonak, Devon, PA;  
Stephen H. Trulli, Havertown, PA;  
James A. Fornwald, Norristown, PA; *Fornwald*  
Jonathan A. Terrett, Oxon, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number 22195.

## Domestic Priority data as claimed by applicant

~~This application is a CIP of 09/318,208 05/25/1999 ABN~~  
~~which is a CIP of 09/235,810 01/22/1999 ABN~~  
~~which claims benefit of 60/098,539 08/28/1998~~  
~~and said 09/318,208 05/25/1999~~  
~~claims benefit of 60/072,298 01/23/1998~~  
~~and is a CIP of 08/845,496 04/24/1997 ABN~~  
~~This application 09/373,658~~

*This application* claims benefit of 60/147,823 08/10/1999  
and claims benefit of 60/144,882 07/20/1999

## Foreign Applications

*and is a CIP of 08/845,496 04/24/1997 ABN*  
*and is a CIP of 09/318,208 05/25/1999 ABN*  
*which is a CIP of 09/235,810 01/22/1999 ABN*  
*which claims benefit of 60/098,539 08/28/1998*  
*and claims benefit of 60/072,298 01/23/1998*



Exhibit C

## Declaration for Patent Application

HGS Ref: PF453  
Docket Number: 1488.1070006/EKS/AJK

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Meth1 and Meth2 Polynucleotides and Polypeptides, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on August 13, 1999 ;  
as United States Application Number or PCT International Application Number 09/373,658 ; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

(Application No.)	(Country)	(Day/Month/Year Filed)
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>60/147,823</u> (Application No.)	<u>August 11, 1999</u> (Filing Date)
<u>60/144,882</u> (Application No.)	<u>July 20, 1999</u> (Filing Date)
<u>60/098,539</u> (Application No.)	<u>August 28, 1998</u> (Filing Date)
<u>60/072,298</u> (Application No.)	<u>January 23, 1998</u> (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/318,208</u> (Application No.)	<u>May 25, 1999</u> (Filing Date)	<u>(Status - patented, pending, abandoned)</u>
<u>09/235,810</u> (Application No.)	<u>January 22, 1999</u> (Filing Date)	<u>(Status - patented, pending, abandoned)</u>
<u>08/845,496</u> (Application No.)	<u>April 24, 1997</u> (Filing Date)	<u>(Status - patented, pending, abandoned)</u>

Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Luis IRUELA-ARISPE	Date
Signature of sole or first inventor		
Residence	1342 Holmby Avenue Los Angeles, CA 90024	
Citizenship	Spain	
Post Office Address	SAME AS ABOVE	
Full name of second inventor	Gregg A. HASTINGS	Date
Signature of second inventor		
Residence	31919 Richgrove Court Westlake Village, CA 91321	
Citizenship	U.S.A.	
Post Office Address	SAME AS ABOVE	
Full name of third inventor	Steven M. RUBEN	Date
Signature of third inventor		
Residence	18528 Heritage Hills Drive Olney, MD 20832	
Citizenship	U.S.A.	
Post Office Address	SAME AS ABOVE	

Full name of fourth inventor	Zdenka L. JONAK	<i>Zdenka L. Jonak</i>	
Signature of fourth inventor		<i>[Signature]</i>	4/25/2000 Date
Residence	28 Ladderback Lane, Devon, PA 19333		
Citizenship	U.S.A		
Post Office Address	SAME AS ABOVE		
Full name of fifth inventor	Stephen H. TRULLI		
Signature of fifth inventor	<i>Stephen H. Trulli</i>		4/25/2000 Date
Residence	2015 Belvedere Avenue, Havertown PA 19083		
Citizenship	U.S.A		
Post Office Address	SAME AS ABOVE		
Full name of sixth inventor	James A. FORNWALD		
Signature of sixth inventor	<i>James A. Fornwald</i>		4-27-2000 Date
Residence	2849 Ringneck Road, Norristown PA 19403		
Citizenship	U.S.A		
Post Office Address	SAME AS ABOVE		
Full name of seventh inventor	Jonathan A. TERRET		
Signature of seventh inventor			Date
Residence	Third Avenue, Harlow, Essex CM19 5AW United Kingdom		
Citizenship	Great Britain		
Post Office Address	SAME AS ABOVE		

Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Iruela-Arispe *et al.*

Appl. No. 09/373,658

Filed: August 13, 1999

For: Meth1 Polynucleotides (as  
amended)

Art Unit: 1642

Examiner: Johnson, N.

Atty. Docket: 1488.1070006

**Preliminary Amendment**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In advance of prosecution, please amend the application as follows.

***In the Inventorship***

In the inventorship, please delete "Luisa Iruela-Arispe" and "Steven M. Ruben."

***In the Title***

Please delete the existing title and insert therefor --Meth1 Polynucleotides--.

***In the Specification***

At page 1, line 11, please delete "\_\_\_\_\_" (Attorney Docket No. 1488.1070005)",  
and insert therein --60/147,823--.

At page 102, lines 27-28, please delete "SEQ ID NO:125" and insert therein --SEQ ID  
NO:126, encoded by SEQ ID NO:125,--.

At page 153, line 17, please delete "SEQ ID NO:125" and insert therein --SEQ ID  
NO:126--.

Please cancel the existing Sequence Listing for the above-identified application, replace it with the substitute Sequence Listing appended hereto, and insert the same at the end of the application.

*In the Claims*

Please cancel claims 1-23 without prejudice to or disclaimer of the subject matter therein. Please add the following new claims.

-- 24. An isolated polynucleotide comprising a nucleotide sequence encoding amino acids 1 to 967 of SEQ ID NO:126.

25. The isolated polynucleotide of claim 24, wherein said polynucleotide comprises nucleotides 466 to 3366 of SEQ ID NO:125.

26. The isolated polynucleotide of claim 24, wherein said nucleotide sequence comprises the entire nucleotide sequence of SEQ ID NO:125.

27. The isolated polynucleotide of claim 24, which is RNA.

28. The isolated polynucleotide of claim 25, which is RNA.

29. The isolated polynucleotide of claim 26, which is RNA.



30. The isolated polynucleotide of claim 24, which is DNA.
31. The isolated polynucleotide of claim 25, which is DNA.
32. The isolated polynucleotide of claim 26, which is DNA.
33. A vector comprising the isolated polynucleotide of claim 24.
34. The vector of claim 33, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.
35. A host cell which comprises the isolated polynucleotide of claim 24.
36. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 33.
37. A process for producing a polypeptide comprising culturing the host cell of claim 36 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.
38. An isolated polynucleotide which hybridizes at 42°C in 50% formamide, 5xSSC, 50 mM sodium phosphate, 5x Denhardt's solution, 10% dextran sulfate, and 20 µg/ml denatured,

sheared salmon sperm DNA, followed by washing in 0.1xSSC at 65°C, with a probe consisting of nucleotides 466 to 3366 of SEQ ID NO:125.

39. The isolated polynucleotide of claim 38, which is RNA.
40. The isolated polynucleotide of claim 38, which is DNA.
41. A vector comprising the isolated polynucleotide of claim 38.
42. The vector of claim 41, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.
43. A host cell which comprises the isolated polynucleotide of claim 38.
44. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 41.
45. A process for producing a polypeptide comprising culturing the host cell of claim 43 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.
46. An isolated polynucleotide comprising a nucleotide sequence which is complementary to a polynucleotide sequence encoding amino acids 1 to 967 of SEQ ID NO:126.

47. The isolated polynucleotide of claim 46, comprising a nucleotide sequence which is complementary to nucleotides of 466 to 3366 SEQ ID NO:125.
48. An isolated polynucleotide comprising a nucleotide sequence at least 95% identical to the nucleotide sequence of SEQ ID NO:125.
49. The isolated polynucleotide of claim 48, comprising a nucleotide sequence at least 95% identical to nucleotides 466 to 3366 of SEQ ID NO:125.
50. The isolated polynucleotide of claim 49, which is RNA.
51. The isolated polynucleotide of claim 49, which is DNA.
52. A vector comprising the isolated polynucleotide of claim 49.
53. The vector of claim 52, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.
54. A host cell which comprises the isolated polynucleotide of claim 49.
55. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 52.

56. A process for producing a polypeptide comprising culturing the host cell of claim 54 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.

57. An isolated polynucleotide comprising a nucleotide sequence encoding amino acids 1 to 950 of SEQ ID NO:2.

58. The isolated polynucleotide of claim 57, comprising nucleotides 1 to 2853 of SEQ ID NO:1.

59. The isolated polynucleotide of claim 58, comprising the entire nucleotide sequence of SEQ ID NO:1.

60. The isolated polynucleotide of claim 57, which is RNA.

61. The isolated polynucleotide of claim 57, which is DNA.

62. A vector comprising the isolated polynucleotide of claim 57.

63. The vector of claim 62, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.

64. A host cell which comprises the isolated polynucleotide of claim 57.

65. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 62.

66. A process for producing a polypeptide comprising culturing the host cell of claim 64 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.

67. An isolated polynucleotide comprising a nucleotide sequence which is complementary to a polynucleotide sequence encoding amino acids 1 to 950 of SEQ ID NO:2.

68. The isolated polynucleotide of claim 67, comprising a nucleotide sequence which is complementary to nucleotides 1 to 2853 of SEQ ID NO:1.

69. An isolated polynucleotide which hybridizes at 42°C in 50% formamide, 5xSSC, 50 mM sodium phosphate, 5x Denhardt's solution, 10% dextran sulfate, and 20 µg/ml denatured, sheared salmon sperm DNA, followed by washing in 0.1xSSC at 65°C, with a probe consisting of nucleotides 1 to 2853 of SEQ ID NO:1.

70. The isolated polynucleotide of claim 69, which is RNA.

71. The isolated polynucleotide of claim 69, which is DNA.

72. A vector comprising the isolated polynucleotide of claim 69.

73. The vector of claim 72, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.

74. A host cell which comprises the isolated polynucleotide of claim 69.

75. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 73.

76. A process for producing a polypeptide comprising culturing the host cell of claim 74 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.

77. An isolated polynucleotide comprising a nucleotide sequence at least 95% identical to the nucleotide sequence of SEQ ID NO:1.

78. The isolated polynucleotide of claim 77, comprising a nucleotide sequence at least 95% identical to nucleotides 1 to 2853 of SEQ ID NO:1.

79. The isolated polynucleotide of claim 78, which is RNA.

80. The isolated polynucleotide of claim 78, which is DNA.

81. A vector comprising the isolated polynucleotide of claim 78.

82. The vector of claim 81, wherein said polynucleotide is operably associated with a regulatory sequence that regulates gene expression.

83. A host cell which comprises the isolated polynucleotide of claim 78.

84. A process for producing a host cell comprising transforming or transfecting a cell with the vector of claim 81.

85. A process for producing a polypeptide comprising culturing the host cell of claim 83 under conditions sufficient for the production of said polypeptide and recovering said polypeptide from the culture.--

### *Remarks*

Support for the claims can be found throughout the specification. The specification has been amended to insert priority information, to correct SEQ ID NO:s, and to insert a new sequence listing. The sequence listing differs in the addition of SEQ ID NO:125. SEQ ID NO:125 is identical to SEQ ID NO:1 of priority Appl. No. 08/845,496. Appl. No. 08/845,496 was incorporated by reference in its entirety in the captioned application. Thus, the addition of SEQ ID NO:125 in the substitute sequence listing does not constitute new matter. SEQ ID NO:125 from the original sequence listing is represented as SEQ ID NO:126 in the substitute sequence listing.

In accordance with 37 C.F.R. § 1.825(b), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith are the same.

It is respectfully believed that this application is now in condition for examination. Early notice to this effect is respectfully requested

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Andrea Jo Kamage*

Andrea Jo Kamage  
Agent for Applicants  
Registration No. 43,703

Date: November 6, 2000

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Iruela-Arispe *et al.*

Appl. No. 09/373,658

Filed: August 13, 1999

For: Meth1 Polynucleotides (as amended)

Art Unit: 1642

Examiner: Johnson, N.

Atty. Docket: 1488.1070006

**Petition Under 37 C.F.R. § 1.48(b)(1) To Correct  
Inventorship In A Nonprovisional Patent Application**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants petition to correct inventorship in the above-captioned nonprovisional patent application. Prosecution of the application has resulted in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the application. Specifically, Applicants petition to delete Luisa Iruela-Arispe and Steven M. Ruben from the inventive entity as those persons' contributions are no longer claimed in the application. Accordingly, upon granting of this petition, the inventive entity would be changed from "Luisa Iruela-Arispe, Gregg A. Hastings, Steven M. Ruben, Zdenka L. Jorak, Stephen H. Trulli, James A. Fronwald and Jonathan A. Terret" to --Gregg A. Hastings, Zdenka L. Jorak, Stephen H. Trulli, James A. Fronwald and Jonathan A. Terret--.

This petition is accompanied by:

- (1) An amendment directing the cancellation of Luisa Iruela-Arispe and Steven M. Ruben from the inventive entity;  
and

(2) The petition fee as set forth under 37 C.F.R. § 1.17(i), in  
our attached check no. 29377 for 130.00.

Applicants hereby authorize the U.S. Patent and Trademark Office to charge any  
fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A  
duplicate copy of this petition is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Andrea Jo Kamage*

Andrea Jo Kamage  
Agent for Applicants  
Registration No. 43,703

Date: November 6, 2000

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600